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**TO: Economic Support Supervisors
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Training Staff
Child Care Coordinators
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers**

**FROM: Amy Mendel-Clemens
Communications Section
Bureau of Health Care Eligibility**

BHCE/BWP OPERATIONS MEMO

No: 04-23

DATE: 04/26/2004

FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	SC	<input type="checkbox"/>
CTS	<input type="checkbox"/>	CC	<input type="checkbox"/>	W-2	<input checked="" type="checkbox"/>
FSET	<input type="checkbox"/>	EA	<input type="checkbox"/>	CF	<input type="checkbox"/>
JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>	RAP	<input type="checkbox"/>
WIA	<input type="checkbox"/>	WtW	<input type="checkbox"/>		
Other EP	<input type="checkbox"/>	★			

PRIORITY: HIGH

SUBJECT: W-2 PAYMENT REDUCTION POLICY CHANGES

CROSS REFERENCE: BWP [Operations Memo 03-16](#), [W-2 Screening and Assessment Policy Document](#); BWP [Operations Memo 03-71](#), Screening and Assessment Q&A

EFFECTIVE DATE: June 1, 2004

PURPOSE

The purpose of this memo is to notify Wisconsin Works (W-2) agencies about changes in policy that impact when a Financial Employment Planner (FEP) may impose a payment reduction on a W-2 benefit.

POLICY

No Payment Reduction for Declining a Formal Assessment

Under the Americans with Disabilities Act (ADA) of 1990, an individual cannot be required to disclose that s/he has a disability or participate in a separate program for disabled individuals. W-2 agencies must comply with this federal law when assigning activities to W-2 participants.

In order to comply with ADA, the following policy, found in the [W-2 Screening and Assessment Policy Document](#) is no longer in effect: *Like other W-2 activities included in an employability plan, failure to participate in a formal assessment without good cause may result in a sanction of benefits.*

Therefore, a W-2 payment reduction cannot be imposed on a participant for declining to complete a formal assessment. An edit has been added to CARES that prevents a payment reduction from being imposed when non-participation hours are entered on WPNH for any type of formal assessment activity. These activities include AODA Assessment (AA), Disability and Learning Assessment (AD), Physician's Assessment (AL), Mental Health Assessment (AM), and Domestic Violence Assessment and Supportive Services (AV).

NOTE ➤ Please keep in mind that ongoing domestic violence services, such as support groups, should now be posted as Personal Development (PD).

Working with Participants that Decline Formal Assessment

When a participant is determined to be in need of a formal assessment, the FEP must fully explain the purpose and benefits of an assessment and encourage the participant to engage in assessment activity. Through the discussion, the participant should be made aware that assessment results will enable his/her FEP to make better-informed decisions about:

- The need for a change in the participant's W-2 placement;
- The types of activities and the number of hours the participant is assigned to; and
- Any special services or work site accommodations that the participant may need.

BWP [Operations Memo 03-71](#) provided policy clarifications for when a participant self-reports a barrier but refuses to cooperate with formal assessment. The participant's self-report of a barrier or a physician's statement as to the inability to participate must be considered as part of the process of assessing for barriers. However, this information is not sufficient by itself to confirm the existence of a barrier. The agency must use this information in conjunction with a formal assessment and other substantiating information (e.g., behavioral cues, low Test of Adult Basic Education (TABE) score, pattern of non-participation without good cause) to make a factual determination of a barrier. If the participant refuses to cooperate with obtaining a formal assessment or having his/her physician complete the Medical Capacity form, and there are unresolved factual issues as to the participant's barrier, the W-2 agency should proceed to work with the individual as though s/he does not have that barrier.

No Payment Reduction Prior to Screening and During Formal Assessment

Screening

A W-2 participant placed in W-2 T or CSJ, who is required by policy to complete the Barrier Screening Tool (BST), may not receive a payment reduction for failing to participate in an assigned activity prior to completing or declining the BST. New functionality has been added to CARES that prevents a payment reduction from being imposed when non-participation hours are entered on WPNH for a time-period when the BST has not been completed or declined in the automated BST application.

Example:

Ellen is placed in a W-2 T on August 23rd. She completes the BST with her FEP on September 12th. Between the dates of September 3rd and September 5th, Ellen does not attend 18 hours of her assigned Job Readiness/Motivation activities. Her FEP posts 18 hours of non-participation on WPNH. Because the non-participation occurred prior to the date the BST was completed, no payment reduction is imposed.

When is the BST required?

W-2 policy requires that the BST be completed or declined, once with each participant, within 30 days after his/her initial placement in W-2 T or CSJ (note: Trial Job and CMS placements must also be screened, but are not applicable to the payment reduction policy).

If the individual's W-2 case has been closed for a period of one year or more since the BST was last completed, and the individual subsequently reapplies and is found eligible for W-2, the screening policy must again be applied. The BST must be completed or declined within 30 days after the individual's initial placement in W-2 T or CSJ (also Trial Job or CMS).

Other reasons to rescreen a W-2 participant are included in the [W-2 Screening and Assessment Policy Document](#).

Formal Assessment

A participant placed in W-2 T or CSJ who has agreed to and is referred for a formal assessment may not receive a payment reduction for any assigned activity until:

1. the formal assessment results are received by the W-2 agency and the formal assessment activity has been end-dated on WPCS; or
2. the W-2 agency has determined that the participant will not comply with the assigned formal assessment activity and the activity has been end-dated on WPCS.

An edit has been added to CARES that prevents a payment reduction from being imposed when non-participation hours are entered for any assigned activity while a participant is in the pending, scheduled or actual phase of an assessment activity on WPCS.

After the formal assessment has been completed and end-dated in CARES and the FEP, in consultation with the participant, has made necessary adjustments to the participant's Employability Plan (EP), the individual may receive a payment reduction for failing to participate in assigned W-2 activities without good cause. This may include an activity recommended by the qualified assessing agency such as mental health counseling or physical therapy.

Example 1: Barbara, a W-2 T participant, completed the BST on July 25th. The results of the BST indicate that Barbara may have a traumatic brain injury. Barbara agrees to cooperate with a formal assessment to determine if she has a brain injury and whether any special services or accommodations are needed. The first appointment with the assessing agency is scheduled for August 9th. Between July 25th and August 8th, Barbara's FEP assigns her to 15 hours per week of work experience (WE) and posts the WE activity on WPCS. The assessment activity, Disability and Learning Assessment (AD), is also posted on WPCS in the scheduled phase with a begin date of July 25th. On August 9th, the date the appointment with the assessing agency occurs, the scheduled phase of the assessment activity is end-dated and the begin-date for the actual phase is posted.

Cont. Barbara attends all of her scheduled assessment appointments but does not attend the WE activities that she was assigned to attend between July 25th and August 8th. Her FEP posts the non-participation for WE on WPNH. Because the non-participation occurred while Barbara was in the scheduled phase of an assessment activity, CARES will not issue a payment reduction.

Example 2: Jill applies for W-2 on August 12th. At her initial meeting with her FEP, she explains that she has just moved here from another county to escape an abusive boyfriend who is also the father of one of her children. She was accepted into the local domestic abuse shelter and is working on getting her children enrolled in school and helping them get familiar with their new surroundings. Her FEP contacts the shelter coordinator to request information about Jill's current needs. The coordinator sends the FEP documentation that Jill will most likely be residing at the shelter for the next 4 weeks and is currently in need of family counseling and legal advocacy, both of which the shelter will provide. Jill and her FEP agree that while she will need to spend the majority of her time addressing the immediate safety needs of her family, she could still spend some time doing Job Readiness/Motivation activities. On August 16th, Jill is placed in W-2 T and assigned 25 hours per week in Domestic Violence Assessment and Supportive Services (AV) and 5 hours per week in Job Readiness/Motivation (MO). Between August 16th and September 15th, Jill misses 20 hours of the MO activity. Her FEP posts the non-participation for MO on WPNH. Because the non-participation occurred while Jill was in AV, CARES will not issue a payment reduction.

Monitoring New Payment Reduction Policy

A key element of implementing the new payment reduction policies is to ensure that when a W-2 participant agrees to be screened and formally assessed, these activities occur in a timely manner and the participant is promptly removed from the assessment activity in CARES when the formal assessment has been completed. Since August 2003, a report titled, *Assessment Activities – 45 Days Old*, has been sent out monthly to W-2 agencies and will soon be available to agencies through WEBI. This report identifies cases that have been assigned to an assessment activity in CARES for more than 45 days. The report also identifies whether the participant is in pending, scheduled or actual phase of the assessment activity. There is no W-2 policy that dictates the period of time a participant may be assigned to an assessment activity. Rather, the intent of this report is to give agencies a tool to monitor cases to ensure that individuals do not remain assigned to an assessment activity in CARES beyond when the actual assessment has ended.

Job Search as a Condition of Eligibility

While participants may not receive a payment reduction for failing to participate in an assigned activity prior to completion of the BST, the current policy in the W-2 Manual on Up-Front Job Search (Section 5.1.2) has not changed. The agency may continue to assign up-front job search as a condition of W-2 eligibility, when appropriate, for all adult applicants in the W-2 group. If the applicant, without good cause, does not comply with the up-front job search requirement, the FEP may deny the applicant further W-2 services.

The determination of whether or not an individual is appropriate for up-front job search should be based on the initial assessment of the applicant's skills, prior work experience, employability, behavioral cues and existing documentation of barriers as well as local labor market conditions.

Only applicants who are considered capable of full-time unsubsidized employment and who can benefit from job search may be assigned unpaid, upfront job search as a condition of eligibility. If the FEP believes an applicant would be appropriate for a CSJ, s/he would not be placed in upfront job search as a condition of eligibility because the worker has already determined that the applicant is not capable at this time of finding and maintaining unsubsidized employment.

CARES WP SCREEN CHANGES

As a result of the changes in payment reduction policy, several CARES Work Program (WP) screens have been modified and one screen has been added effective June 1, 2004.

WPNH

When posting non-participation on WPNH for a component code, two new indicators will appear midway down the screen after the screen has been processed: INCOMPLETE BST IND and ONGOING ASSESSMENT IND. If either indicator has a value of Y = Yes, non-participation hours will not roll up on WPMA and there will be no payment reduction for that period of non-participation.

WPNH	NON-PARTICIPATION HISTORY	03/29/05 15:32 XCT788 K CLOUGH
PIN: 0000953962 AIWP-CLOSE BONNIE CTY/TRIBE: 40 REGION: 01 OFFICE: 1571 NEXT PIN: _____		
NON-PART DATE: 03 01 2005 THRU 03 04 2005 NON-PART OFFICE: 1571 COMP/STAT: MO JOB READI/MO ACTIVITY CODE: ____		
NP TYPE: AG FAILED APPT OR ASSIGNMENT - DID NOT CONTACT WP OFFICE NP STATED RSN: NN REASON UNKNOWN - DID NOT ATTEND, DID NOT CONTACT WP NP HOURS: 010 GC : N GC HOURS: ____ GC RSN: ____		
INCOMPLETE BST IND: Y ONGOING ASSESSMENT IND: Y		
PRIMARY COMMENT: _____ ADDITIONAL COMMENT: _____ _____ _____ _____		
PF19 WPNP PF14 COPY TO SAME PIN PF15 COPY TO NEW PIN PF13 WPNH NEXT TRAN: _____ PARMS: 0000953962 _____		

NOTE ➤ The indicator fields will change from a blank field to either a Y or a N after WPNH has been processed for someone placed in a CSJ or W-2 T. The indicator fields will remain blank if the non-participation being posted is assigned to an individual placed in something other than a CSJ or W-2 T placement (e.g., CMC placements, CMF placements, FSET participants).

Incomplete BST Indicator

The INCOMPLETE BST IND: will be "Y" when non-participation hours are posted for a period in which the non-participation begin date is on or before the initial completion date of the BST. If the indicator has a value of Y = Yes, the non-participation hours will not result in a payment reduction.

Example 1: A BST was initially completed on 2-15-05. Non participation is posted on WPNH for the Employment Search (ES) component. The dates for the non-participation run from 2-08-05 to 2-15-05 for a total of 25 hours. Since the non-participation begin date is before the BST completion date, the Incomplete BST IND for this entry will be Y and these hours will not result in a payment reduction.

Example 2: A BST was initially completed on 2-15-05. Non-participation is posted for ES. The non-participation dates run from 2-15-05 to 2-22-05 for 30 hours. Since the non-participation date falls on the BST completion date, the Incomplete BST IND will again be Y and these hours will not result in a payment reduction.

Example 3: A BST was initially completed on 2-15-05. Non-participation is posted for ES. The non-participation dates run from 2-16-05 to 2-23-05 for 20 hours. Since the non-participation begin date of 2-16-05 is after the BST completion date of 2-15-05, the Incomplete BST IND will be N and these hours will result in a payment reduction.

Ongoing Assessment Indicator

The ONGOING ASSESSMENT IND: will be “Y” when non-participation hours are posted for a period in which an assessment component is open on WPCH. If the indicator has a value of Y = Yes, the non-participation hours will not result in a payment reduction.

Example 1: An AODA Assessment (AA) component was posted on WPCS with a begin date of 1-25-05. Non-participation hours were posted on WPNH for the period 2-01-05 to 2-08-05 for the ES component for a total of 25 hours. Since the AA assessment component was already open on WPCH with a begin date of 1-25-05 and is still open, the On-going Assessment IND will be Y and the 25 hours will not result in a payment reduction.

Example 2: An AA assessment component was posted on WPCS with a begin date of 11-01-04. The AA component was ended as of 2-15-05. The individual is also open in the CE component on WPCH with a begin date of 12-15-04. On WPNH, non-participation was entered for the CE component for the period 2-15-05 to 2-22-05 for 15 hours. Since the non-participation begin date falls on the date the AA assessment component ended, these hours will not result in a payment reduction and the On-going Assessment IND will be Y.

WPNP

WPNP Non-participation History Listing screen will have the same two indicators for each line of Non-participation posted. It will inform the worker from an historical perspective that the period of Non-participation posted will not result in a payment reduction if Y = Yes is displayed below either INC BST IND: or ONG ASMT IND: columns.

WPNP		NON-PARTICIPATION HISTORY LISTING				08/29/04 15:36			
						XCT788 K CLOUGH			
PIN: 0000953962		AIWP-CLOSE		BONNIE					
CTY/TRIBE: 40		REGION: 01		OFFICE: 1571					
CASE: 0000361402		CAT: WW C		SEQ: 01					
SANC REQ DT:				EXMP REQ DT:					

NON-PARTICIPATION		ACT	COMP	NON-PARTICIPATION			GOOD CAUSE		INC	ONG	
BEGIN	DATE	END	DATE	CD	STAT	TYPE	RSN	HRS	RSN	HRS	DEL
08	09	2004	08 11 2004		MO	AG	NN	006			
08	08	2004	08 10 2004		ES	AG	NN	003			
08	02	2004	08 04 2004		ES	AG	NN	005			
08	01	2004	08 04 2004		MO	AG	NN	010			

PF13 WPNH	PF14 WPMA	PF15 UNDELETE ON WPNP	PAGE:	1
NEXT TRAN:	PARMS: 0000953962			

WPCS

A W-2 payment reduction cannot be imposed for non-participation in the formal assessment components AA, AD, AL, AM, and AV. When posting these components via WPCS, the W-2 Sanction Indicator will be N = No. Also, those components cannot be overridden by the worker using an Y= Yes in that field. The WPCM screen controls this process.

New Informational Message for Supplements and Recoupments

On WPCS, if an Assessment component is posted and backdated into a previous payment period in which a payment reduction was imposed for non-participation, a new informational message will be displayed to the worker that a supplement must be issued and a dollar amount is given. A similar message for a recoupment may also appear if an Assessment component is deleted via WPCS or if the end-date of the assessment component is back-dated into a prior payment period. The worker must then take the necessary action to supplement or recoup the displayed amount.

Example 1 - Back-dating an Assessment component: A non-participation period was previously posted on WPNH for the component CE for the period 7-05-04 to 7-10-04 for a total of 20 hours. The W-2 payment for the 6-16-04 to 7-15-04 pay period reflected the 20 hour reduction. On 8-20-04, the worker back-dates an AA assessment component with a back-dated begin date of 7-10-04. Since the back-dated AA component now either covers the non-participation period or overlaps part of the non-participation period, the worker will receive a message on WPCS to issue a supplement for the 20 hours that had previously resulted in a payment reduction.

```

WPCS                      CREATE/UPDATE COMPONENT/STATUS                      08/20/04 17:05
                                XCTS49 M SUNDARAM
PIN: 5001502535            REGION: 0005            OFFICE: 1575
NAME: SUPPLEMENT          TEST                     COUNTY/TRIBAL UNIT: 40

TYPE OF ACTION: A (A-ADD U-UPDATE C-COMplete D-DELETE)
      COMPONENT/STATUS: AA AODA ASSESSMT
      PHASE: A (P-PENDING S-SCHEDULED A-ACTUAL)
      BEGIN DATE: 07 10 2004
      STAFF ID: XCTS48
      PROVIDER ID: 0001
WEEKLY SCHEDULED HOURS: 20 W-2 SANC IND (Y/N): N
DAILY SCHEDULED HOURS: 05 FREQUENCY (DAYS PER MONTH): 16
      FUNDING SOURCE: WTWO__
      EMPLOYER PROVIDER ID: _____
      SITE ID: _____
      DOT: _____
      NON-APPROVAL CODE: _____
      ANTICIPATED END DATE: 09 30 2004
      COMPLETION CODE: -
      ACTUAL END DATE: _____
PF13 WPSC PF14 POST ANOTHER COMPONENT
NEXT TRAN: _____ PARMS: 5001502535_____
AL7 - SUPPLEMENTAL PAYMENT TO BE ISSUED $103.00

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Example 2 - Deleting an Assessment component: A non-participation period was posted on WPNH for the component CE for the period 7-05-04 to 7-10-04 for a total of 20 hours. An AA assessment component was open when this non-participation was posted, with a begin date of 4-20-04 and end date of 7-15-04, thus the 20 hours did not result in a payment reduction for the 6-16-04 to 7-15-04 W-2 pay period. On 8-20-04 the worker deletes the AA component, thus resulting in the need to recoup for the earlier posted non-participation hours. An informational message is then issued to the worker on WPCS informing the worker to recoup the \$103 that was not deducted for the 6-16-04 to 7-15-04 pay-period.

```

WPCS                      CREATE/UPDATE COMPONENT/STATUS                      08/20/04 15:33
                                XCT266 K CLOUGH
PIN: 0100648282            REGION: 0005            OFFICE: 1575
NAME: CS3-PLACEMENT        TEST                     COUNTY/TRIBAL UNIT: 40

TYPE OF ACTION: D (A-ADD U-UPDATE C-COMplete D-DELETE)
      COMPONENT/STATUS: AA AODA ASSESSMT
      PHASE: A (P-PENDING S-SCHEDULED A-ACTUAL)
      BEGIN DATE: 04 20 2004
      STAFF ID: XCT266
      PROVIDER ID: 0001
WEEKLY SCHEDULED HOURS: 20 W-2 SANC IND (Y/N): N
DAILY SCHEDULED HOURS: 05 FREQUENCY (DAYS PER MONTH): 16
      FUNDING SOURCE: WTWO__
      EMPLOYER PROVIDER ID: _____
      SITE ID: _____
      DOT: _____
      NON-APPROVAL CODE: _____
      ANTICIPATED END DATE: 07 31 2004
      COMPLETION CODE: A
      ACTUAL END DATE: 07 15 2004
PF13 WPSC PF14 POST ANOTHER COMPONENT
NEXT TRAN: _____ PARMS: 0100648282_____
AL8 - RECOUPMENT TO BE MADE = $103.00

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Example 3 - Back-dating an Assessment component end-date: A non-participation period was posted on WPNH for the component CE for the period 7-05-04 to 7-10-04 for a total of 20 hours. An AA assessment component was open when this non-participation was posted, with a begin date of 4-20-04 and is still open as of 8-20-04, thus the 20 hours did not result in a payment reduction to the 6-16-04 to 7-15-04 W-2 pay period. On 8-20-04, the worker back-dates a completion date for the AA component using a date of 7-03-04, thus allowing a payment reduction for the previously entered non-participation hours. An informational message is then issued to the worker on WPCS informing the worker to recoup the \$103 that was not deducted for the 6-16-04 to 7-15-04 pay-period.

```

WPCS                CREATE/UPDATE COMPONENT/STATUS                08/20/04 11:40
                                                                JX2344 M SUNDARAM
PIN: 5001502535      REGION: 0005      OFFICE: 1575
NAME: SUPPLEMENT     TEST              COUNTY/TRIBAL UNIT: 40

TYPE OF ACTION: C (A-ADD U-UPDATE C-COMPLETE D-DELETE)
COMPONENT/STATUS: AA AODA ASSESSMT
PHASE: A              (P-PENDING S-SCHEDULED A-ACTUAL)
BEGIN DATE: 04 20 2004
STAFF ID: XCTS48
PROVIDER ID: 0001
WEEKLY SCHEDULED HOURS: 20 W-2 SANC IND (Y/N): N
DAILY SCHEDULED HOURS: 05 FREQUENCY (DAYS PER MONTH): 16
FUNDING SOURCE: WTWO__
EMPLOYER PROVIDER ID: _____
SITE ID: _____
DOT: _____
NON-APPROVAL CODE: _____
ANTICIPATED END DATE: 12 31 2004
COMPLETION CODE: a
ACTUAL END DATE: 07 03 2004
PF13 WPCS PF14 POST ANOTHER COMPONENT
NEXT TRAN: _____ PARMS: 5001502535
AL8 - RECOUPMENT TO BE MADE = $103.00
  
```

WPSA – New Screen

A new historical information screen WPSA, will display each period of non-participation similar to WPNP. It will list line by line each non-participation period that resulted in either a Supplement or Recoupment that is needed due to the new payment reduction policy. This screen is informational only; it does not indicate whether the supplement or recoupment was performed.

```

WPSA                W-2 ASSESSMENT SUPP/RECOUP AMOUNTS                06/29/04 16:09
                                                                XCT788 K CLOUGH
PIN: 2001502265      OFFICE: 1575      CTY/TRIBE: 40      REGION: 0005
CASE: 2000529925      CAT: WW C        SEQ: 01
NAME: THREEM          CAT

```

NON-PARTICIPATION		W-2	COMP	NON-PART	GC	HRS	ONG	SUPPLEMENT/	
BEGIN DATE	END DATE	PLCMT	CD	HRS	HRS	APL	ASMT	IND	RECOUPMENT
									AMOUNT
06 19 2004	06 21 2004	CSJ	BE	2	0	2	Y	S	10.30
06 14 2004	06 15 2004	CSJ	HE	2	0	2	Y	S	10.30
06 10 2004	06 13 2004	CSJ	BE	2	0	2	Y	S	10.30
06 09 2004	06 11 2004	CSJ	CE	2	0	2	Y	S	10.30

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NEXT TRAN: _____ PARMS: 2001502265
PAGE: 1
  
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CONTACTS

BPS Regional Offices
BHCE CARES Information & Problem Resolution Center

★Program Categories – FS – Food Stamps, MA – Medicaid, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – Food Stamp Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WtW – Welfare to Work, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DWD/DWS/BWP/HH